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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/211,730	12/15/1998	KEITH C. THOMAS	450.241US1	9527

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EXAMINER

KOENIG, ANDREW Y

ART UNIT PAPER NUMBER

2611

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/211,730

Applicant(s)

THOMAS, KEITH C.

Examiner

Andrew Y. Koenig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12-20,22,23,30,31,33-35,37-42 and 44-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12-20,22,23,30,31,33-35,37-42 and 44-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 4-10, 12-20, 22, 23, 30, 31, 33-35, 37-42, and 44-48 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed 03 November 2005 have been fully considered but they are entirely not persuasive.

The applicant argues dependent claims 6 and 35; the examiner notes that the grounds of rejection have been changed in that a new reference has been introduced into the independent claims. However, the argument to the dependent claim is not persuasive.

The applicant argues that Williams does not appear to teach or suggest a control device that selects a predetermined channel based on a determination by a user-recognition device. The examiner disagrees; given the broadest reasonable interpretation of "selects a predetermined channel," Williams teaches this limitation in that Williams teaches presenting a user with a number of programming suggestions which most closely align with a user profile. Accordingly, the control device selects a predetermined channels based on the user by displaying programming suggestions from which the user can select (col. 11, ll. 22-60), wherein the user selects a program, which additionally is performed by the control device, such that the control device selects a predetermined channel based on a determination of the user.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 6-8, 10, 12-14, 16, 18-20, 22, 30-31, 33-39, 42, and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,977,964 to Williams et al. (Williams) in view of U.S. Patent 5,758,257 to Herz et al. (Herz), U.S. Patent 5,771,307 to Lu et al. (Lu), and U.S. Patent 6,457,089 to Aust et al. (Aust).

Regarding claim 1, Williams discloses an apparatus for controlling access to information, wherein:

“a video display” shown in figure 1 (102), and described in column 3, line 51.

“a user-recognition input device” shown in Figure 1 (118, 120), Figure 7 (706), and described in column 11, ll. 2-21.

“a control device” shown in Figure 1 (104) and Figure 7 (704), and described in col. 10, ll. 55-65, and col. 15, ll. 44-63.

Williams teaches a user-recognition device for identifying a single user at the same time. Williams is silent on identifying an additional person having access to the display.

Lu teaches identifying all the users present within a viewing volume having access to the display, in that Lu teaches determining a head box around the heads which it finds and then determining the faces of the viewers (col. 13-14, ll. 67-23, fig. 1,

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6, 8), which equates to identifying an additional person having access to the display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by identifying all the users as taught by Lu in order to accurately determine the viewers within a viewing volume, thereby supporting plural viewers in the system and gathering additional information of the viewers.

Williams discloses a user-recognition audio apparatus and method as described in col. 11, ll. 2-12, fig. 2, and col. 12, ll. 29-44, which equates to a user-recognition input device including audio input device for detecting sounds in said viewing volume, and an audio feature for processing said to determine when a user is in said viewing volume.

However, Williams is silent on determining with audio when an additional user arrives.

In analogous art, Aust teaches a system for identifying audience members using voice recognition, wherein a member says the names of each person present in the monitored area, which equates to determining with audio when an additional user arrives.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by determining with audio when an additionally user arrives as taught by Aust in order to accurately measure persons of an audience viewing programming thereby providing more precise information on the audiences and programming for enabling information targeting.

The combination of Williams and Lu teaches a control device that selectively controls display of the information based on an output from the user-recognition device, but is silent on a control device based on plural users. In analogous art, Herz teaches combining profiles of two or more customers so that video programming within the

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overlap area will be preferred (col. 49, ll. 11-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams and Lu by supporting plural users and adjusting profiles for the viewers as taught by Herz in order to provide video programming which is mutually agreeable to all the viewers (Herz: col. 49, ll. 16-18).

Regarding claims 2, 10, 16, 20, and 31, Williams discloses a user-recognition imaging apparatus and method as described in col. 11, ll. 12-21, fig. 2, col. 12, ll. 29-44.

Regarding claims 4, 12, 18, 22, 33, and 44, Williams discloses an apparatus and method as claimed, but does not disclose the user of a movement detection device. Lu discloses a system, where a user-recognition device in a viewing volume comprises a motion sensor (fig. 1, label 30, col. 8, ll. 52-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams to include a motion sensor as disclosed by Lu in order to increase reliability and accuracy of viewer detection, when viewers enter or leave the viewing area.

Regarding claims 6 and 35, Williams discloses a control device that selects a predetermined channel based on a determination of the user via the user-recognition device (col. 10, ll. 61-65, and col. 11, ll. 22-48), in that Williams teaches displaying programming suggestions from which the user can select (col. 11, ll. 49-60).

Regarding claims 7, 13, 30, 37, and 45, Williams discloses an apparatus for controlling access to information, wherein:

“a video display” shown in figure 1 (102), and described in column 3, line 51.

“a user-recognition input device” shown in Figure 1 (118, 120), Figure 7 (706), and described in column 11, ll. 2-21.

“a memory” shown in fig. 7, label 716 (see also col. 15, ll. 44-63).

“a processor” shown in fig. 1, label 104, and described in col. 10, ll. 55-65, and col. 15, ll. 44-63.

“a blocking device coupled to the processor” also reads on fig. 7, label 108 (see also col. 10, ll. 61-65, col. 15, ll. 44-63).

Williams teaches a user-recognition device for identifying a single user at the same time. Williams is silent on identifying an additional person having access to the display.

Lu teaches identifying all the users present within a viewing volume having access to the display, in that Lu teaches determining a head box around the heads which it finds and then determining the faces of the viewers (col. 13-14, ll. 67-23, fig. 1, 6, 8), which equates to identifying an additional person having access to the display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by identifying all the users as taught by Lu in order to accurately determine the viewers within a viewing volume, thereby supporting plural viewers in the system and gathering additional information of the viewers.

Williams discloses a user-recognition audio apparatus and method as described in col. 11, ll. 2-12, fig. 2, and col. 12, ll. 29-44, which equates to a user-recognition input device including audio input device for detecting sounds in said viewing volume, and an audio feature for processing said to determine when a user is in said viewing volume.

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However, Williams is silent on determining with audio when an additional (newly present) user arrives. In analogous art, Aust teaches a system for identifying audience members using voice recognition, wherein a member says the names of each person present in the monitored area, which equates to determining with audio when an additional (newly present) user arrives. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by determining with audio when an additional (newly present) user arrives as taught by Aust in order to accurately measure persons of an audience viewing programming thereby providing more precise information on the audiences and programming for enabling information targeting.

The combination of Williams and Lu teaches a control device that selectively controls display of the information based on an output from the user-recognition device, but is silent on a control device based on plural users. In analogous art, Herz teaches combining profiles of two or more customers so that video programming within the overlap area will be preferred (col. 49, ll. 11-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams and Lu by supporting plural users and adjusting profiles for the viewers as taught by Herz in order to provide video programming which is mutually agreeable to all the viewers (Herz: col. 49, ll. 16-18).

Regarding claims 8 and 14, Williams discloses the video content including television programming (fig. 1, label 102, col. 4, ll. 33-36).

Regarding claim 19, Williams discloses an apparatus and method for controlling access to information based on content and user identity, wherein:

“outputting the information” see fig. 1, label 102, and col. 3, ll. 48-58.

“determining that an additional user is newly present” see fig. 2, col. 12, ll. 29-44.

“selectively blocking output of the information” shown in fig. 7, label 708, col. 10, ll. 61-65, and col. 15, ll. 44-63.

Williams teaches a user-recognition device for identifying a single user at the same time. Williams is silent on identifying an additional person having access to the display.

Lu teaches identifying all the users present within a viewing volume having access to the display, in that Lu teaches determining a head box around the heads which it finds and then determining the faces of the viewers (col. 13-14, ll. 67-23, fig. 1, 6, 8), which equates to identifying an additional person having access to the display. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by identifying all the users as taught by Lu in order to accurately determine the viewers within a viewing volume, thereby supporting plural viewers in the system and gathering additional information of the viewers.

Williams discloses a user-recognition audio apparatus and method as described in col. 11, ll. 2-12, fig. 2, and col. 12, ll. 29-44, which equates to a user-recognition input device including audio input device for detecting sounds in said viewing volume, and an audio feature for processing said to determine when a user is in said viewing volume. However, Williams is silent on determining with audio when a newly present additional

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user arrives. In analogous art, Aust teaches a system for identifying audience members using voice recognition, wherein a member says the names of each person present in the monitored area, which equates to determining with audio when a newly present user arrives. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by determining with audio when a newly present additional user arrives as taught by Aust in order to accurately measure persons of an audience viewing programming thereby providing more precise information on the audiences and programming for enabling information targeting.

The combination of Williams and Lu teaches a control device that selectively controls display of the information based on an output from the user-recognition device, but is silent on a control device based on plural users. In analogous art, Herz teaches combining profiles of two or more customers so that video programming within the overlap area will be preferred (col. 49, ll. 11-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams and Lu by supporting plural users and adjusting profiles for the viewers as taught by Herz in order to provide video programming which is mutually agreeable to all the viewers (Herz: col. 49, ll. 16-18).

Regarding claim 34, Williams is silent on a priority for each person and selectively blocking based on each person's priority. Official Notice is taken that that use of priorities is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams by using

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a priority in order to identify the information that should be blocked depending on the audience.

Regarding claims 38, 42, 46, and 47, Williams discloses a user-recognition imaging apparatus and method as described in col. 11, ll. 12-21, fig. 2, col. 12, ll. 29-44.

Regarding claim 39, Williams teaches additional information such as a rating for a program (col. 9, ll. 5-10).

Regarding claim 48, Williams teaches "selectively blocking output of the information" shown in fig. 7, label 708, col. 10, ll. 61-65, and col. 15, ll. 44-63.

5. Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,977,964 to Williams et al. (Williams), U.S. Patent 5,758,257 to Herz et al. (Herz), U.S. Patent 5,771,307 to Lu et al. (Lu), and U.S. Patent 6,457,089 to Aust et al. (Aust) in view of U.S. Patent 5,231,494 to Wachob.

Regarding claims 5 and 23, Williams discloses an apparatus and method as claimed, but does not disclose a priority is assigned to a user and the display is based on the user's priority. Wachob teaches a targeted ad insertion system, which is based on the viewer's characteristics in a viewing area. Wachob implements a prioritization algorithm to determine which viewers among the plurality of viewers have priority so that the proper ads are displayed (col. 5-6, ll. 63-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams, Lu, Aust, and Herz to include a prioritization algorithm as taught by Wachob in order to

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display the proper content the viewing audience thereby displaying targeted information to the users.

6. Claims 9, 15, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,977,964 to Williams et al. (Williams), U.S. Patent 5,758,257 to Herz et al. (Herz), U.S. Patent 5,771,307 to Lu et al. (Lu), and U.S. Patent 6,457,089 to Aust et al. (Aust) in view of U.S. Patent 6,002,427 to Kipust.

Regarding claims 9, 15, and 41 Williams discloses an apparatus and method as claimed, but does not disclose video content including computer-displayed text or graphics. Kipust discloses an apparatus and method for controlling access to information, wherein the content is computer-displayed text or graphics (fig. 1, labels 102, 104, 116, 118; col. 3, ll. 40-54, col. 4, ll. 1-28, 64-67, and col. 5, ll. 1-6, 44-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams, Lu, Aust, and Herz to include controlling access to computer-displayed text and graphics as taught by Kipust in order to assist parents in controlling the children's access to Internet content.

7. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,977,964 to Williams et al. (Williams), U.S. Patent 5,758,257 to Herz et al. (Herz), U.S. Patent 5,771,307 to Lu et al. (Lu), and U.S. Patent 6,457,089 to Aust et al. (Aust) in view of U.S. Patent 6,181,364 to Ford.

Regarding claim 40, Williams teaches additional information such as a rating for a program (col. 9, ll. 5-10), but is silent on rating portions of the program and selectively blocking portions of the program. Ford teaches substituting unobjectionable contents (claimed selectively blocking portions) when the rating of a portion of a program is objectionable (col. 3-4, ll. 64-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams, Lu, Aust, and Herz by selectively substituting unobjectionable portions when a portion of the program rating is objectionable as taught by Ford in order to watch a program and filter out the objectionable material thereby enabling the user to watch a movie, while not viewing or hearing objectionable portions.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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